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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,756	12/13/2000	Cesar Augusto Gonzales	YOR9-2000-0098	6665

7590 07/06/2004
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EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2612

2

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,756

Applicant(s)

GONZALES ET AL.

Examiner

Tuan V Ho

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 5-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2612

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. Claim 9 is objected to because of the following informalities: the term "leves", line 4 should be read as "levels". Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Flohr (US 5,612,733).

With regard to claim 1, Flohr discloses in Fig. 8, a camera system including a video camera adapted for use with a computer, which comprises the video object range sensing (the system shown in Fig. 8 is used to capture an object image; where camera 11 determines a range of a brightness level of the object so as to adjust an image exposure, col. 7, line 3-7), computer having a

Art Unit: 2612

display (computer system 30 includes monitor 22, col. 7, line 12 and line 54), video camera for receiving or capturing images of objects in an environment (video camera 11 is connected to computer 30 so as to capture object images for transmitting the images through a video conferencing system), and computer display's brightness is operable as an active source of lighting (video camera 11 uses ambient light surrounding the object in front of the monitor 22 so as to generate an object image; where the ambient light includes a light source from the monitor 22 when the monitor is turned on; noted that while displayed images on the monitor are changed from one scene to another, the brightness level of the monitor is also changed; in other words, the computer monitor light source is an active light source since).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flohr in view of Hashimoto et al (US 6,344,875).

With regard to claim 4, Flohr discloses in Fig. 8, a camera system including a video camera adapted for use with a computer, which performs the method for extracting range information from the data obtained from capturing images using a display and a moving image capture device (the system shown in Fig. 8 is used to capture an object image; where camera 11 determines a range of a brightness level of the object so as to adjust an image exposure, col. 7, line 3-7; computer system 30 includes monitor 22, col. 7, line 12 and line 54; video camera 11 is connected to computer 30 so as to capture object images for transmitting the images through a video conferencing system), and display's brightness (video camera 11 uses ambient light surrounding the object in front of the monitor 22 so as to generate an object image; where the ambient light includes a light source from the monitor 22 when the monitor is turned on; noted that while displayed images on the monitor are changed from one scene to another, the brightness level of the monitor is also changed; in other words, the computer monitor light source is an active light source since), except for the digital data.

Art Unit: 2612

Flohr does not explicitly disclose any digital data of object images. However, Hashimoto et al teaches in Fig. 8, a digital electronic camera that can capture an object image and convert it into digital form so as to determine exposure and focusing operation, col. 6, lines 17-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera circuit of Flohr as the same fashion as disclosed by Hashimoto et al so as to obtain the capturing images to be in a digital form. That is because the digital form of image data provides more accurate information for processing range determination in the Flohr system.

5. Claims 2-3 are 5-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 9 is allowed.

The prior art of record fails to suggest or disclose a memory medium for a computer comprising means for controlling the computer operation to perform the following steps: a) flashing the computer display at different brightness levels; b)

Art Unit: 2612

capturing images of objects in the environment with a video camera at each of the different brightness levels; selecting objects from among the candidates.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arnold discloses a foldable teleconferencing camera that includes a monitor.

Hinoue et al discloses a card camera that includes digital processing circuit.

Soga et al discloses a digital camera that includes a rangefinding circuit.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

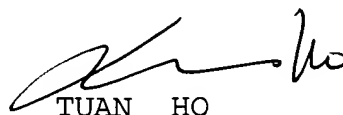
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WENDY GARBER, can be reached on (703) 305-4924. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Application/Control Number: 09/735,756

Page 7

Art Unit: 2612

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Tuan Ho', with a stylized flourish at the end.

TUAN HO

Primary Examiner

Art Unit 2612